THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18296 of 2007

Dated:28.08.2007

Between:

Palagiri Rama Mohan Reddy,
S/o.Palagiri Narayana Reddy.

…Petitioner

and

The Government of Andhra Pradesh,
Rep.by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad,
And others.

…Respondents

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ORDER:

This Writ Petition is filed challenging the orders of the Government in G.O.Ms.No.1520, dated 16.10.2006, whereby and whereunder, purportedly in accordance with the guidelines contained in G.O.Ms.No.455, dated 29.07.2002, the Government allotted 334 square metres of land situated at Padmarao Nagar, Musheerabad Village, Secunderabad Mandal in Hyderabad District, to the third respondent under Section 23(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act').

The brief fact of the matter is as follows. The petitioner purchased an extent of 260 square yards of land in premises No.6-1-119/10/A situated at Padmarao Nagar (Walker Town), Secunderabad, from M/s.M.Vijaya Bhasker, Sreedhar and Smt.Geeta. It is the case of the petitioner that the land originally belonged to late M.Nagamani, elder sister of the third respondent, who got the property under registered Will, and that his vendors were in possession of the property

to the extent of 260 square yards. However, the third respondent approached the first respondent seeking regularization under G.O.Ms.No.455, and the first respondent without conducting enquiry, passed impugned orders. He also alleges that the third respondent played fraud on the first respondent in getting the impugned orders in her favour.

The petitioner has annexed the registered Agreement - cum - General Power of Attorney under which he purchased the property from his vendors. But, nowhere in the affidavit accompanying the Writ Petition, their title is traced, though it is admitted that the third respondent is sister of late Nagamani, who got the property under a Will executed by late Tara Bai, W/o.Late Sreenivas Mudaliar. Secondly, the tone and tenor of the writ affidavit would show that the petitioner is disputing the very right of the third respondent to seek regularization under G.O.Ms.No.455. This would certainly give rise to question of title. It is axiomatic that the question of title cannot be gone into in a Writ Petition, though the Government has allotted the land to the third respondent under Section 23(4) of the Act based on the report of the second respondent as well as the documents submitted by the third respondent. The petitioner can always approach the civil Court and establish a better title raising all the issues. In this Writ Petition the question of title cannot be gone into.

The Writ Petition is misconceived, and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28.08.2007
vs